

REMARKS

Applicant hereby submits this response with a Request for Continued Examination in order to withdrawal this application from appeal, and reopen prosecution. This response is in response to the final Office Action of August 28, 2006. Claims 1-6 and 8-30 were examined by the Office, and in the Office Action of August 28, 2006 all claims were rejected. With this response, claim 1-6 and 8-30 are cancelled without prejudice, and new claims 31-66 are added. All new claims are fully supported by the specification as originally filed. Support for the new claims can be found at least from page 15, lines 14-20; page 16, line 24—page 17, line 4; page 29, lines 27-30; page 29, line 30—page 30, line 12; and Figures 1 and 3.

This response is submitted along with a Request for Continued Examination (RCE).

Claim Rejections Under § 103

In section 3, on page 2 of the Office Action, claims 1-6 and 8-30 are rejected under 35 U.S.C. § 103(a) as unpatentable over Applicant Admitted Prior Art (AAPA), in reference to SyncML Initiative. Applicant respectfully submits that the rejection of claims 1-6 and 8-30 is moot in view of the cancellation of those claims.

New Claims 31-66

Applicant respectfully submits that independent claim 31 is not disclosed or suggested by the AAPA in view of the SyncML Initiative. The cited references, alone or in combination, at least fail to disclose or suggest preparing a message comprising a command for synchronizing a second data store with respect to a directory structure, the command including at least one data identification element, embedded in the command, identifying a folder associated with at least one modification in the first date store, as recited in claim 31. In contrast to claim 31, the discussion of conventional SyncML in the AAPA and the SyncML Initiative only allows synchronizing with respect to changes in data units. Claim 31 specifically recites that the command is for synchronizing a data store with respect to a directory structure. To make a change to a data unit, SyncML according to the prior art uses a message referencing the data unit within a data element nested in an operational element. Therefore, since the cited references fail to disclose or suggest the limitations of new claim 31, applicant respectfully submits that new

claim 31 is novel and nonobvious in view of the references cited in the final Office Action of August 28, 2006.

New independent claims 38, 46 and 57 contain limitations similar to those recited in claim 31, and therefore are believed to be novel and nonobvious in view of the references cited in the final Office Action of August 28, 2006.


The new dependent claims ultimately depend from a new independent claim, and therefore are believed to be novel and nonobvious in view of the references cited in the final Office Action of August 28, 2006.

Conclusion

For at least the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly solicited. The undersigned hereby authorizes the Commissioner to charge Deposit Account No. 23-0442 for any fee deficiency required to submit this response.

Respectfully submitted,

Date: 17 May 2010



Keith R. Obert
Attorney for the Applicant
Registration No. 58,051

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, P.O. Box 224
Monroe, CT 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676
Customer No. 004955